



OFFICE OF BARACK AND MICHELLE OBAMA

March 13, 2020

The Honorable David S. Ferriero
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue NW
Washington, DC 20408

Dear Mr. Ferriero:

I write in connection with the November 21, 2019 request from Senator Johnson and Senator Grassley to the National Archives and Records Administration (NARA) for Obama administration records related to certain meetings connected to Ukraine.

As you know, under the Presidential Records Act, the records requested are scheduled for release pursuant to terms set under that Act. NARA is authorized to provide special access to presidential records to a Committee of either House of Congress before their scheduled release date, provided the information in the records “is needed for the conduct of its business” and “is not otherwise available.” 44 U.S.C. § 2205(2)(C). By law, both the former and incumbent Presidents are provided an opportunity to review the documents and withhold documents from release in order to protect the constitutionally based interest in the confidentiality of presidential communications. The express terms of the Presidential Records Act, together with the established norms governing its ongoing administration, achieve Congress’ legislative purpose of ensuring the public of ownership of presidential records while “assiduously minimize[ing] outside interference with the day-to-day operations of the President and his closest advisors....” *Armstrong v. Bush*, 982 F.2d 38 (D.C. Cir. 1991).

President Obama has consistently supported the nonpartisan administration of presidential records and the commitment to transparency core to NARA’s mission.¹ However, the current request is not a proper use of the limited NARA exceptions. It arises out of efforts by some, actively supported by Russia, to shift the blame for Russian interference in the 2016 election to Ukraine. *See Fiona Hill HSPCI Testimony* at 39-40 (“Based on questions I have heard, some of you on this committee appear to believe that Russia and its security services did not conduct a campaign against our country and that, perhaps, somehow for some reason Ukraine did. This is a fictional narrative that is being perpetrated and propagated by the Russian security services themselves.”); *David Hale Senate Committee on Foreign Relations Testimony* of December 3, 2019 (“I have seen no credible evidence about these allegations of Ukraine.”).

The request for early release of presidential records in order to give credence to a Russian disinformation campaign – one that has already been thoroughly investigated by a bipartisan congressional committee – is without precedent. *See Natasha Bertrand, Senate panel look into Ukraine interference comes up short*,

¹ Since 2017, the Office of President Obama has produced 12,880 pages of presidential records in response to special access requests from the White House and Congress.



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Politico (Dec. 2, 2019). This use of the special access process serves no legitimate purpose, and does not outweigh or justify infringing confidentiality interests that all presidents have sought to protect.

Nevertheless, in the interest of countering the misinformation campaign underlying this request, we are prepared on this occasion to provide the Committees access to the records responsive to this request. In doing so, we emphasize that abuse of the special access process strikes at the heart of presidential confidentiality interests and undermines the statutory framework and norms that govern access to presidential records.

Sincerely,

A handwritten signature in black ink that reads "Anita Decker Breckenridge".

Anita Decker Breckenridge
Records Representative to President Obama

cc: The Honorable Ron Johnson
The Honorable Charles E. Grassley